

REMARKS

I. Introduction

In response to the Office Action dated August 20, 2003, claims 6 and 14 have been cancelled, and claims 1, 7, 8, 9, 16 and 17 have been amended. Claims 1-5, 7-13 and 15-17 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Non-Art Rejections

On page 2, Section 1, paragraphs (1)-(2) of the Office Action, claims 6 and 14 were rejected under 35 U.S.C. §112, second paragraph.

Applicants' attorney has cancelled claims 6 and 14 to overcome this rejection. Further, the portions of claims 6 and 14 incorporated into the independent claims have been amended to overcome these rejections.

III. Prior Art Rejections

A. The Office Action Rejections

On page 3, Section 1, paragraph (1) of the Office Action, claims 1-4, 7, 8, 10-12, and 15-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Randall et al., GB 2,137,401 (Randall) and further in view of Leroux, U.S. Patent No. 5,588,146 (Leroux) and Stevens, U.S. Patent No. 6,327,570 B1 (Stevens). On page 4 of the Office Action, claim 4 was rejected under 35 U.S.C. §103 as being unpatentable over Randall and Leroux. On page 7, Section 2 of the Office Action, claims 6 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Randall and Leroux as applied to claims 1-4, and further in view of Stevens. On page 8 of the Office Action, claims 5 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Randall and Leroux as applied to claims 1-4, and further in view of Morales, U.S. Patent No. 5,291,554 (Morales).

Applicants' attorney respectfully traverses these rejections.

B. The Applicants' Independent Claims

Applicants' independent claim 1 is directed to a self-service terminal comprising:
a communications port; and

the terminal being operable to transfer software for execution on a portable device from the terminal to the portable device using the communications port, wherein the software is operable on the

portable device to receive details from a user and to prepare a response program for transmitting back to a self-service terminal, the response program including details of a transaction to executed by a self-service terminal.

Applicants' independent claim 7 is directed to a self-service terminal system comprising:

a host;

a plurality of self-service terminals; and

a network mutually interconnecting the host and the terminals, the host being operable to transfer software to the terminals for subsequent transfer by a terminal to a portable device presented by a user, wherein the software is operable on the portable device to receive details from a user and to prepare a response program for transmitting back to a self-service terminal, the response program including details of a transaction to executed by a self-service terminal.

Applicants' independent claim 8 is directed to a method of operating a self-service terminal system, the method comprising:

providing a software program at a central location;

transferring the software program to one or more terminals using a network connection; and

in response to a request from a user, transferring the software program to a portable device presented to a terminal by the user, wherein the software program is operable on the portable device to receive details from a user and to prepare a response program for transmitting back to a self-service terminal, the response program including details of a transaction to executed by a self-service terminal.

Applicants' independent claim 9 is directed to a self-service terminal comprising:

means defining a communications port; and

means for allowing software to be transferred to a portable device using the communications port, wherein the software is operable on the portable device to receive details from a user and to prepare a response program for transmitting back to a self-service terminal, the response program including details of a transaction to executed by a self-service terminal.

Applicants' independent claim 16 is directed to a self-service terminal system comprising:

a host;

a plurality of self-service terminals; and

means interconnecting the host and the terminals and for enabling the host to transfer software to the terminals for subsequent transfer by a terminal to a portable device presented by a user, wherein the software is operable on the portable device to receive details from a user and to prepare a response

program for transmitting back to a self-service terminal, the response program including details of a transaction to executed by a self-service terminal.

Applicants' independent claim 17 is directed to a method of operating a self-service terminal system, the method comprising:

transferring a software program from a central location to at least one self-service terminal; and
transferring a software program from a terminal to a portable device in response to a user request, wherein the software program is operable on the portable device to receive details from a user and to prepare a response program for transmitting back to a self-service terminal, the response program including details of a transaction to executed by a self-service terminal.

C. The Randall Reference

Randall describes an apparatus that comprises a plurality of memory units (10), each memory unit storing a different item of storage, for example a computer program, and a number of cartridge ports (1) each arranged to receive a memory module compatible with a particular playing machine, for example a computer or video games machine. A keyboard (6) is provided to allow a user to select a particular item of software stored in one of the memory units (10) and a central processing unit (5) causes a selected item of software to be written into a cartridge inserted into a cartridge port (1) upon insertion of a token into a token-operated actuating device (7) of the apparatus.

D. The Leroux Reference

Leroux describes a method and a data-processing system for the acquisition of software programs by a microcomputer. The system comprises, for this purpose, a data base service center in which application software programs are stored and a removable electronic memory carrier containing rights of access, to be introduced into a drive of the microcomputer to enable the remote-loading, into the microcomputer, of software programs for which the carrier contains the corresponding rights of access, this same carrier being capable of containing the rights to run the remote-loaded software. The disclosed device can be applied to portable microcomputers.

E. The Stevens Reference

Stevens describes a system and method of computerizing companies with customized individual addressable electronic direct marketing, self-service automation, and customer care support. The system contains a private network connecting product companies, manufacturers,

stores, educational institutions, travel companies, medical providers, financial institutions, and many others to a specified individual customer. The connection is made to a personal agent device carried or worn by a participating consumer that contains local processing means with an interactive display, security features, optional camera, and wireless communications with the private network. Communications microchips can be placed on products that communicate product information upon interrogation with the personal agent. The invention also includes business professional units in communication with the private network and in-store local wireless communication between personal agents and the business professional unit.

F. The Morales Reference

Morales describes movies and like video programs that are distributed electronically from a program storage and processing center in encrypted format over a satellite channel upon custom order for private viewing of one paying subscriber or a small group of subscribers. Thus, charges may be shared to lower the processing, transmission and royalty costs involved for custom rental of unscheduled programs available from a large storage library facility. The transactions for ordering, paying and receiving a decryption key are made over a two-way interactive wireless satellite network in communication with a nationwide network of subscribers and the video program storage and distribution center. Software controlled subscriber stations permit the monitoring and control of the private viewing conditions to meet various copyright and recording criteria. The transmission is preferably in digital format, and thus may be easily stored in encrypted format for a single private viewing session at a time chosen by the subscriber. The interactive network provides optimal communication of catalog choices, pricing, delivery conditions, automated storage, viewing schedules, payment, confirmation of orders, and conformation to change in business procedures or delivery conditions. Thus, special purpose single-shot local control software may be downloaded from an interactive network processing center to the ordering subscriber station for implementing an order for a private viewing session of a desired movie or other video program.

G. The Applicants' Claims Are Patentable Over The References

Applicants' invention, as recited in independent claims 1, 7, 8, 9, 16 and 17, is patentable over the references, because the claims recite limitations not found in the references.

For example, Randall merely describes downloading games from a token-operated device onto game cartridges. Similarly, Leroux merely describes the remote-loading of software programs

into a microcomputer according to a removable electronic memory carrier containing rights of access. In addition, Stevens merely describes a personal agent device carried or worn by a participating consumer that connects with a store computer for communicating product information and the like. Finally, Morales merely describes special purpose single-shot local control software for downloading subscription movies, wherein the software self-destructs after a single viewing.

The independent claims have been amended to incorporate the limitations of dependent claims 6 and 14. According to these limitations, the software program transferred from a self-service terminal to a portable device in response to a user request is operable on the portable device to receive details from a user and to prepare a response program for transmitting back to a self-service terminal, wherein the response program includes details of a transaction to executed by a self-service terminal.

The Office Action cites Stevens as teaching this limitation at cols. 9-10 thereof. However, these portions of Stevens merely describe the transfer of data between the personal agent device and a store computer, but not the transferring of a program to the personal agent device to receive details from a user and to prepare a response program for transmitting back to a self-service terminal, wherein the response program includes details of a transaction to executed by a self-service terminal.

According to the Office Action, it would be obvious to combine Stevens with Randall (and Leroux) to show Applicants' invention. However, the motivation to combine and/or modify the references is supplied by the Office Action rather than the references themselves, which is contrary to M.P.E.P. §2143, as no such motivation is evidenced by the references themselves. Moreover, the downloaded programs of Randall and Leroux do not receive details from a user and prepare a response program for transmitting back to a self-service terminal, wherein the response program includes details of a transaction to executed by a self-service terminal.

Morales fails to overcome the limitations of Randall, Leroux and Stevens. Recall that Morales was cited only against dependent claims 5 and 13, and was only relied upon to that extent.

Thus, Applicants submit that independent claims 1, 7, 8, 9, 16, and 17 are allowable over the cited references. Further, dependent claims 2-4 and 10-13 are submitted to be allowable over the cited references in the same manner, because they are dependent on independent claims 1, 7, 8, 9, 16, and 17, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-4 and 10-13 recite additional novel elements not shown by the cited references.

IV. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

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